

ARTICLE 29

PAID AND UNPAID ABSENCES

This article addresses short and long term absences due to personal illness, injury, medical appointment or procedure, ~~or~~ other disabling medical condition, or exposure to inappropriate behavior as defined in other relevant Articles of this Agreement; the illness, injury, medical appointment or procedure, or other disabling condition of a child, spouse/partner, or parent; or bereavement. This article also applies to the birth or adoption of a new child, and to both parents if both parents are GEs.

Section 1. Notification

Except as provided for in Sections 6, 7, and 8, it is the GE's responsibility to complete the duties assigned to them in a given term. If it is impossible to report for work to complete assigned duties or meet a class as scheduled, the GE should notify their supervisor or other designated department faculty/staff member (e.g., department head) as early as possible and before the first assigned duty on the day to be missed.

Section 2. Missed Class

In the case that the GE will miss a class, the department may ask that the GE to attempt to find a substitute. The designated department faculty/staff member will also try to find a substitute.

Whenever possible, the GE or their designee will provide the department faculty/staff member with information about the class to be covered (e.g., where they left off in the previous class). In cases where the absence is taken pursuant to Section 8, or exposure to inappropriate behavior as outlined in Appendix D, the department will ultimately be responsible for finding a substitute. If no substitute is found, the department may elect to cancel the class.

Section 3. Missed Duties

If a GE's workload allocation is adjusted due to the use of paid sick leave, a GE may call for a review by the department/unit head or designee.

Except as provided for in Sections 6 and 7, for duties missed not related to a class meeting, the designated department faculty/staff member or supervisor will work with the GE to determine when and how the work will be made up.

Section 4. Departmental Policy

Departments/employing units are required to have a GE absence procedure documented in the GDRS. It may also be cited in the GE/graduate student handbook, or on its website. The designated department faculty/staff member will be clearly identified in the documented procedure.

Section 5. Coverage for Absent GEs

When coverage is necessary, the employing unit will notify the Graduate School and the Graduate School will advise the employing unit regarding coverage for an absent GE. If a GE is assigned to cover the responsibilities of an absent GE and those duties exceed the replacement GE's current FTE workload allowance, the covering GE's FTE will be adjusted accordingly at the rates below. Except in addressing

38 coverage needs resulting from absences pursuant to Section 7, no adjustments will be made that would
39 cause a GE's appointment to exceed .49 FTE per term.

40 Any GE who substitutes for another GE who is on sick leave will either receive:

- 41 1) hourly compensation at the overtime rate of 1.5 times the substitute's current GE pay rate
- 42 2) or will account for the hours within their regular work assignment if work as a substitute
43 is specified in the workload allocation form, a relevant and specific job description in the
44 department GDRS, or documented list of individual work duties for that GE.

45 In no instance shall a GE be required to pay for a substitute.

46 **Section 6. Graduate School Consultation**

47 If a GE misses or is going to miss more than five days in a term, the GE or their designee must contact the
48 Graduate School. The Graduate School will coordinate with the GE and employing unit on any
49 adjustment due to the GE's absence. Prior to adjusting a GE's FTE, the following factors will be
50 considered: (1) the duration of the absence, (2) the timing of the absence; (3) the GE's assignment; (4) the
51 ability of the GE to perform assigned duties; (5) whether or not it is feasible to adjust the assignment of
52 duties within the current term; (6) in the case of an absence pursuant to Section 7, whether or not it is
53 feasible to adjust the assignment of duties over the course of the GE's full appointment period; and (7) the
54 absence's impact on academic progress. Where feasible and taking into consideration the aforementioned
55 factors, adjustments to FTE will be applied equitably across all employing units. If there is no adjustment
56 of FTE under this section, the Graduate School will assist the employing unit and the GE in determining
57 duty and workload allocation.

58 **Section 7. Family and Medical Leave**

59 When a GE will be absent for a period of greater than five (5) consecutive working days (one week), they
60 may be entitled to the Family and Medical Leave as described in this section. At the request of a GE, paid
61 Parental Leave can be utilized before paid sick days.

62 a) Eligibility

63 Any GE who has been an employee of the University, as a GE, for at least one term preceding the term in
64 which the leave is requested is eligible for leave according to the terms set forth in this section.

65

66 b) Provision

67 The GE shall be entitled to a total of twelve (12) work weeks of unpaid leave during any twelve- month
68 period for one or more of the following reasons: (1) the birth of a child and in order to care for such child;
69 (2) placement of child with GE for adoption or foster care; (3) the care of a spouse (or equivalent in
70 accordance with Oregon state law), partner, child, or parent of the GE if a serious health condition exists;
71 (4) a serious health condition of the GE which makes the GE unable to perform their duties. In cases
72 where such leave is five (5) weeks or longer in a single term, such leave may be taken in conjunction with
73 an academic leave of absence.

74 After exhausting sick leave (or before exhausting sick leave in the case of paid parental leave), a GE who
75 takes leave for one of these reasons has the right to shift duties and workload in a manner that allows the
76 GE to take at least two weeks off (including sick leave) over the course of the GE's full appointment

77 period. If a GE exercises this right, duty and workload allocation will be determined under Section 6 of
78 this Article. The foregoing two sentences do not affect a GE's right under Section 6 to request additional
79 adjustments to their duties and/or workload.

80 c) Notice Requirement

81 The GE shall provide their employer with written notice not less than thirty (30) days prior to the date of
82 requested leave, if practicable. In the case of an emergency or unforeseen circumstance, the GE must give
83 a verbal notice to their employer within twenty-four (24) hours of taking leave. In the case of a serious
84 health condition, the University may request medical verification from a healthcare provider and the GE
85 must provide such verification within fifteen (15) days of the request.

86 d) Benefits Retention

87 GEs appointed at .27 FTE or less shall retain their tuition waiver and the University shall continue to pay
88 health care premiums during the duration of the GE's leave if the GE remains enrolled and has or will
89 have performed works representing a minimum of .14 FTE during the term in which family and medical
90 leave is taken. Salary will be adjusted to reflect changes in FTE.

91 All other GEs will retain their tuition waiver and health care benefits if they have or will perform work
92 representing a minimum of .16 FTE during the term in which family and medical leave is taken. Salary
93 will be adjusted to reflect changes in FTE.

94 e) Job Protection

95 After returning to work after taking leave under these provisions, a GE is entitled to be restored to the
96 position of employment held by the GE when the leave commenced, or an alternative position if the
97 position held no longer exists. This provision will not be applicable in the case where the GE returns in a
98 term under which they did not have an appointment or an expectation of such appointment with the
99 University.

100 f) Academic Leave of Absence

101 If a GE takes an academic leave of absence after the normal filing date for declaring on leave status, the
102 GE shall contact the Graduate School for assistance in obtaining a complete withdrawal for the term. A
103 GE who takes an academic leave of absence will lose their tuition waiver. A GE who takes an academic
104 leave of absence can maintain health benefits by paying COBRA premiums.

105 **Section 8. Paid Sick Days**

106 The parties agree that this section implements SB 454 effective January 1, 2016 and provides a benefit
107 equal to or better than that required by the law.

108 a) Eligibility

109 GEs shall be eligible to use sick leave immediately upon accrual during any term in which a GE has an
110 appointment.

111 b) Work week

112 Unless specified otherwise, a GE's work week is assumed to be made up of five consecutive days
113 (Monday through Friday) with equal hours per day reflective of their assigned FTE.

114 c) Accrual

115 GEs accrue ~~three (3) two (2)~~ work days of paid sick leave for every term of paid GE work. At the time of
116 their first appointment as a GE, each GE shall also accrue two (2) additional sick days available for use on
117 the first working day of the term. ~~During their first appointment in any school year, each GE shall also~~
118 ~~accrue one (1) additional sick day. There shall be no waiting period before sick leave begins to accrue.~~
119 Actual time worked and any time on approved paid leave shall determine the pro rata accrual of sick leave
120 credits each month. All accumulated paid sick days can be utilized during any term of employment.

121 d) Bank, Compensation

122 GEs can accrue a maximum of ~~ten (10)~~ work days of sick leave. There is no compensation for unused sick
123 leave at any time during or after employment and hours do not transfer to non-GE positions or other
124 institutions. When a GE uses sick leave they will be compensated at their current rate of pay. GEs cannot
125 donate sick leave to other employees, and leave cannot be donated to GEs.

126 e) Restoration

127 GEs who were previously employed by the University as a GE in good academic standing and/or on an
128 approved leave from the graduate school within the past 730 days and return to a GE position shall have
129 previously accrued and unused sick leave credits restored.

130 f) Exhaustion

131 A GE who exhausts their sick leave may ~~use request~~ unpaid leave for absences.

132 g) Use

133 GEs who have earned sick leave credits must use and must record the use of sick leave for any period of
134 absence during the member's regular work hours if the absence is due to the employee's illness, injury,
135 pregnancy-related illness or other conditions, medical or dental care, exposure to contagious disease, or
136 attendance upon members of the employee's immediate family (employee's parent(s), spouse or domestic
137 partner, spouse or domestic partner's parent(s), children, brother, sister, grandmother, grandfather, son-in-
138 law, daughter-in-law, or another member of the immediate household) where the employee's presence is
139 required because of illness; or for any period of absence that is due to a death in the immediate family of
140 the GE or in the immediate family of the GE's spouse or domestic partner.

141

142 Sick leave may be taken in the event that a lawful public health authority declares an emergency relating
143 to the GE's employment, their self-care, or the care of a family member.

144 Sick leave may be taken in the event that the GE is exposed to inappropriate behavior, seeks legal
145 services, law enforcement services, or medical treatment relating to domestic violence, harassment, sexual
146 assault, or stalking for themselves or a minor child.

147 Sick leave may be taken in the event that the GE seeks legal services, law enforcement services, or
148 medical treatment relating to domestic violence, harassment, sexual assault, or stalking for themselves or
149 a minor child. In these cases, victim services and home relocations may also be covered by sick leave.

150 A GE shall record sick leave use within a reasonable time of sick leave usage. There shall be no discipline
151 for inadvertent failures to record hours, though the employer may request the record be updated.

152 For the purpose of eligibility and utilization of sick days available,

- 153 1. a scheduled work day shall be defined as a day containing scheduled work commitments
154 including, but not limited to, lectures, recitations, labs, office hours, and staff meetings;
- 155 2. for purposes of grading, a GE will use paid sick leave if a grading deadline is, or will be,
156 missed; and
- 157 3. a paid sick day is a scheduled work day in which accrued paid time was utilized, and
158 work hours were not completed at an alternate time.

159 **Regardless of actual time missed by a GE on a work day, sick leave will be taken in full-day increments.**

160 h) Requests and Scheduled Leave

161 The University must provide a GE with their accrued paid sick leave upon request when used pursuant to
162 this section. In the event that the leave is not foreseeable, the GE must follow the absence procedures set
163 forth by the department in the GDRS and provide an estimated amount of time that leave is expected. In
164 the event a GE is unable to fulfill employment duties, services or obligations for reasons covered under
165 this article, the GE will notify their ~~appropriate immediate~~ supervisor (or department or unit designee) as
166 promptly as possible so that arrangements for the absence can be made by the University. In addition, an
167 affected GE will make reasonable efforts to assist in arrangements for another to meet their employment
168 obligations. In no case will the GE be required to pay for such coverage. It is the responsibility of the
169 University to find a temporary replacement. (*Supervisor contingent on definitions section*)

170 i) Abuse and Discipline

171 Sick leave taken for reasons outside of the scope of this article may result in discipline up to and
172 including termination. The University may only initiate a disciplinary process when the University has an
173 articulable basis for doing so with observable evidence.

174 j) Sick Leave and Family and Medical Leave

175 GEs who qualify for Family and Medical Leave pursuant to Section 7 shall use all accrued sick leave
176 prior to entering unpaid status, except in the cases of parental leave. Days of paid sick leave count
177 towards the 12 weeks of unpaid leave of Family and Medical Leave, except in the cases of parental leave.

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